

out of America, wholesale, to Communist dictators, and the loss of jobs to these socialist, communist countries.

#### TRIBUTE TO FORT BRAGG PERSONNEL

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise to congratulate the men and women at Fort Bragg, North Carolina, who once again have earned the Commander-in-Chief Award for the Army Communities of Excellence program.

For those who might not know, this is an award similar to the civilian Malcolm Baldrige Award for Quality. Today, Fort Bragg personnel, both military and civilian alike, will be recognized for a superior level of performance in meeting the needs of its soldiers, family members, and employees.

I have visited a number of military installations throughout the world, and nowhere have I seen better morale than at Fort Bragg. The Commander-in-Chief Award recognizes officially what many of us living in the 8th District of North Carolina already knew: Fort Bragg is the crown jewel of the Army, the epicenter of the universe.

Mr. Speaker, I ask my colleagues to join me in applauding the men and women who make Fort Bragg the finest facility in the Nation and in the world.

#### CINCO DE MAYO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, this week is the week of Cinco de Mayo, a time to celebrate the courage and bravery of Mexican Americans. Cinco de Mayo, the 5th of May, commemorates the defeat of the French Army, which outnumbered the Mexican Army in 1862.

Cinco de Mayo serves as a reminder that the foundation of this Nation was built by people from many nations and diverse cultures who are willing to fight and die for freedom. The celebration is a symbol of pride, tradition and cultural awareness, a day telling our Nation that we need to come together and learn to respect each other's cultures and traditions in order to understand one another.

I have introduced House Concurrent Resolution 85, which calls for a Presidential proclamation recognizing the struggle of the Mexican American people.

To raise awareness of Cinco de Mayo on Capitol Hill, I have invited the Inland Empire Mariachi Education Foundation of Southern California to perform at the U.S. Capitol. This organization is dedicated to inspiring young people to achieve leadership potential and teaching mariachi music to young people after school and instilling pride in their culture and tradition.

My daughter, Jennifer Baca, is one of the performers; and I am very proud of her. They have traveled from Southern California, and they will be performing here.

We will learn more about the cultures and traditions of the Mexicans on Cinco de Mayo as we all celebrate together.

#### PROPOSED CHANGE TO AMENDMENT VIII OF THE CONSTITUTION

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, yesterday, Law Day 2001, I introduced House Joint Resolution 46 to change the wording of constitutional amendment VIII.

Last week, the United States Supreme Court decided a case known as *Atwater v. The City of Lago Vista*. In doing so, they shocked the Nation and those everywhere who believe in rational and traditional limits on the power and reach of government to deal with the people. They concluded that police may arrest and jail people for offenses for which no incarceration may be imposed in upholding the arrest of a mother, in front of her children and her detention until she could arrange to post bail because she was not using her seatbelt.

We used to joke about being arrested for spitting on the sidewalk; now we have life imitating art. Why must common sense be so uncommon in seats of high authority? Why should common sense be so uncommon in the United States?

I do not author constitutional amendments lightly. Restraint is fundamental to the Constitution's survival. But drastic threats to freedom sometimes require drastic measures. This is the only way to overrule the incredibly bad judgment of the majority of Justices on the U.S. Supreme Court. The court's minority is to be commended. They are freedom-loving patriots.

Police States are not the United States. It is time to act. This is the language of the amendment, that says that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments," and I propose to add the language, "including incarceration, before or after trial, for minor offenses not punishable by incarceration," then ending with the word "inflicted."

I would respectfully ask my colleagues to draw together to support this vital change in the most basic law to better protect all who share our most precious values of freedom, better weaving that value into the fabric of our law.

□ 1100

#### SUPPORT BOYS AND GIRLS CLUBS IN BUDGET PRIORITIES

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, I rise to speak on a subject that is very dear to my heart, the Boys and Girls Clubs of America. We all know that boys and girls who are involved in their local clubs are less likely to get into trouble and more likely to lead productive and successful lives. Simply put, the 2,850 Boys and Girls Club sites across the country, which are located in our Nation's most at-risk communities, help young people avoid many of the pitfalls into which so many of our youth fall. They provide a springboard for the young men and women to start the rest of their lives.

Mr. Speaker, that is why I was so disappointed to learn that President Bush has cut the funding for the Boys and Girls Clubs. With the well-publicized troubles that many families are experiencing as a result of parents working longer hours each day, and increased concerns regarding juvenile crime, I can think of no better investment that the Federal Government can make than to provide young people with a safe environment in the after-school hours, when they are most vulnerable, which is precisely what the Boys and Girls Clubs do.

Mr. Speaker, I strongly urge all of my colleagues to think about the Boys and Girls Clubs when they consider their budget priorities, and give them the funding that they deserve.

#### PROVIDING FOR CONSIDERATION OF H.R. 10, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 127 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 10) to provide for pension reform, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means and the amendment recommended by the Committee on Education and the Workforce now printed in the bill, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill, as amended, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 30 minutes equally

divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, last night the Committee on Rules met and granted a modified closed rule for H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001. The rule provides for 90 minutes of general debate with 60 minutes equally divided and controlled by the chairman and the ranking member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce.

Additionally, the rule waives all points of order against consideration of the bill and against consideration of the amendment printed in the report.

The rule provides that in lieu of the amendments recommended by the Committee on Ways and Means and the Committee on Education and the Workforce, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered as adopted.

The rule also provides for consideration of the amendment in the nature of a substitute, printed in the Committee on Rules report, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled between a proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this is a fair rule for reform of our Nation's pension and retirement security laws. This is clearly a balanced, bipartisan measure and this rule provides for a minority substitute and comprehensive debate.

Mr. Speaker, in the Second Century, B.C., Cato the Elder, a Roman statesman, orator and writer, noted that "cessation of work is not accompanied by cessation of expenses."

In the next 15 years, some 76 million baby boomers will retire. But less than 40 percent of these retirees have invested enough to enjoy a comfortable, secure retirement.

While people are living longer and healthier lives, our retirement systems simply have not kept pace. According to the Department of Labor, nearly half of all private sector workers will have no pension coverage, and only one-fifth of small businesses with 25 or fewer employees offer a pension plan.

Individual Retirement Accounts provide a critically needed source of retirement savings for millions of workers currently lacking pension coverage, including the self-employed, part-time workers, and many small business employees. These are not the very wealthy, but instead, hard-working, middle-income Americans who would invest and save more money if only it was not for one significant barrier in their way, government regulations.

The \$2,000 IRA contribution limit has not been changed since 1981, and a lot has happened in 20 years. The absence of growth in retirement coverage since 1980 is simply unacceptable.

Since 1990, pension coverage has declined from 40 to 33 percent among workers making less than \$20,000; and despite record surpluses in the Federal Government, the personal savings rate has dropped every year since 1992 and is at its lowest point in 66 years.

Currently, these high costs and complicated requirements prevent many employers from offering retirement options to their employees. It is time that we simplify the regulatory barriers and update our retirement systems. Let us make it easier for employers to help their employees and easier for employees to help themselves.

The underlying bipartisan bill is critical to the financial and retirement security of countless Americans. H.R. 10 will strengthen Individual Retirement Accounts, 401(k) plans and small business retirement plans, finally bringing retirement savings to the 21st century.

The Comprehensive Retirement Security and Pension Reform Act increases the old IRA contribution limit from \$2,000 to \$5,000 over the next 3 years for both traditional and Roth IRAs.

One of the most important measures of H.R. 10 is that it includes a fairness provision to allow workers over 50 years of age to catch up in contributions for 401(k) plans by increasing the contribution level immediately.

This bipartisan measure will remove excessive, burdensome and unnecessary Federal regulations, providing relief to American businesses and workers by encouraging small businesses to offer pension plans. By removing these restrictions, Americans will be allowed the freedom to invest in their future as never before.

Mr. Speaker, H.R. 10 is a fair, balanced, and bipartisan plan that will help millions of Americans. I would like to commend the chairman of the

Committee on Ways and Means, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from New York (Mr. RANGEL) for their hard work on this measure.

In addition, I would like to commend the gentleman from Ohio (Mr. PORTMAN), and the gentleman from Maryland (Mr. CARDIN), the sponsors of underlying legislation for their dedication to pension and retirement reform.

Mr. Speaker, I would like to remind this body that nearly an identical measure had overwhelming bipartisan support in the 106th Congress. I urge my colleagues to once again support this fair rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule. H.R. 10 deserves full and open debate, and an open rule would have ensured that no one would have been shut out of the process.

The gentlewoman from New York (Ms. VELÁZQUEZ) would have been able to offer her amendment to make the benefits of the underlying bill available to employees of small businesses; and the gentlewoman from Maryland (Mrs. MORELLA) would have been able to offer her amendment to make Federal employees eligible to participate in the benefits of the underlying bill.

Nevertheless, Mr. Speaker, I strongly support expanding opportunities for working Americans to save for their retirement, which are the underlying goals for H.R. 10. Congress must ensure that no segment of our workforce is excluded from the opportunity to financially improve their retirement years.

The pressure to save adequately for retirement affects all working Americans. H.R. 10 includes a number of provisions which improve current protections for workers and retirees. It encourages rollovers of pension plans when workers switch employment, and eliminates compensation caps that unfairly affect pension benefits of rank-and-file workers.

Specifically, H.R. 10 increases the annual IRA contributions from \$2,000 to \$5,000. It increases the amount that individuals can contribute to 401(k) plans from \$10,000 up to \$15,000. Also, it allows taxpayers age 50 and above to contribute an additional \$5,000 to an IRA. The bill allows workers to become vested and eligible for employer-matching contributions in 3 years rather than 5.

Currently, more people are joining the workforce than are receiving pension coverage. Only half of the workforce is covered by a pension plan. And worse, there is reason to believe that it

will not provide them with an adequate level of supplemental income in retirement.

Although there is insufficient data to measure contributions and benefits, data from the Federal Reserve shows pension plan contributions declining by 50 percent in recent years. The underlying bill could be strengthened to ensure opportunities for those low- and moderate-income workers with few or no opportunities to save. We must continue to work together to improve this aspect of the bill.

Statistics confirm that low-income workers are far less likely to participate in an employment-based retirement saving plan than workers with higher incomes, even when the plan is available to them. Only 29 percent of full-time workers with earnings below \$20,000 annually are covered by pensions. On the other hand, 76 percent of those earning above \$60,000 annually have coverage.

During consideration of the underlying bill, my colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from Massachusetts (Mr. NEAL) will offer a substitute which incorporates the text of H.R. 10, as well as provisions to encourage the participation of low-income workers.

Specifically, the substitute provides a refundable credit for low- and middle-income workers who save for their retirement; and it makes small business employees eligible to claim a tax credit for establishing a qualified pension plan. That is most important.

Mr. Speaker, I urge my colleagues to support these important improvements to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the resolution will be followed by a 5-minute vote on approving the Journal.

The vote was taken by electronic device, and there were—yeas 404, nays 24, not voting 3, as follows:

[Roll No. 92]

YEAS—404

Abercrombie	Andrews	Baker
Ackerman	Armey	Baldacci
Aderholt	Baca	Baldwin
Akin	Bachus	Ballenger
Allen	Baird	Barcia

Barr	Everett	Largent
Barrett	Farr	Larsen (WA)
Bartlett	Fattah	Larson (CT)
Barton	Ferguson	Latham
Bass	Flake	LaTourette
Becerra	Fletcher	Leach
Bentsen	Foley	Levin
Bereuter	Ford	Lewis (CA)
Berkley	Fossella	Lewis (GA)
Berman	Frelinghuysen	Lewis (KY)
Berry	Frost	Linder
Biggert	Gallegly	Lipinski
Bilirakis	Ganske	LoBiondo
Bishop	Gekas	Loftgren
Blagojevich	Gephardt	Lowey
Blumenauer	Gibbons	Lucas (KY)
Blunt	Gilchrest	Lucas (OK)
Boehlert	Gillmor	Luther
Boehner	Gilman	Maloney (CT)
Bonilla	Gonzalez	Maloney (NY)
Boniior	Goode	Manzullo
Bono	Goodlatte	Markey
Borski	Gordon	Mascara
Boswell	Goss	Matheson
Boucher	Graham	McCarthy (MO)
Boyd	Granger	McCarthy (NY)
Brady (PA)	Graves	McCollum
Brady (TX)	Green (TX)	McCrery
Brown (FL)	Green (WI)	McHugh
Brown (OH)	Greenwood	McInnis
Brown (SC)	Grucci	McIntyre
Bryant	Gutierrez	McKeon
Burr	Gutknecht	McKinney
Burton	Hall (OH)	McNulty
Buyer	Hall (TX)	Meehan
Callahan	Hansen	Meek (FL)
Calvert	Harman	Meeks (NY)
Camp	Hart	Menendez
Cannon	Hastings (WA)	Mica
Cantor	Hayes	Millender-
Capito	Hayworth	McDonald
Capps	Hefley	Miller (FL)
Capuano	Herger	Miller, Gary
Cardin	Hill	Miller, George
Carson (IN)	Hilleary	Mink
Carson (OK)	Hinojosa	Mollohan
Castle	Hobson	Moore
Chabot	Hoefel	Moran (KS)
Chambliss	Hoekstra	Moran (VA)
Clay	Holden	Morella
Clayton	Holt	Murtha
Clement	Honda	Myrick
Clyburn	Hooley	Nadler
Coble	Horn	Napolitano
Collins	Hostettler	Nethercutt
Combest	Houghton	Ney
Condit	Hoyer	Northup
Cooksey	Hulshof	Norwood
Costello	Hunter	Nussle
Cox	Hutchinson	Ortiz
Coyne	Hyde	Osborne
Cramer	Inslee	Ose
Crane	Isakson	Otter
Crenshaw	Israel	Oxley
Crowley	Issa	Pallone
Cubin	Istook	Pascarell
Culberson	Jackson (IL)	Pastor
Cummings	Jackson-Lee	Paul
Cunningham	(TX)	Payne
Davis (CA)	Jefferson	Pelosi
Davis (FL)	Jenkins	Pence
Davis (IL)	John	Peterson (MN)
Davis, Jo Ann	Johnson (IL)	Peterson (PA)
Davis, Tom	Johnson, E. B.	Petri
Deal	Johnson, Sam	Phelps
DeGette	Jones (NC)	Pickering
Delahunt	Jones (OH)	Pitts
DeLauro	Kanjorski	Platts
DeLay	Kaptur	Pombo
DeMint	Keller	Pomeroy
Diaz-Balart	Kelly	Portman
Dicks	Kennedy (MN)	Price (NC)
Dingell	Kennedy (RI)	Pryce (OH)
Doggett	Kerns	Putnam
Dooley	Kildee	Quinn
Doolittle	Kilpatrick	Radanovich
Doyle	Kind (WI)	Rahall
Dreier	King (NY)	Ramstad
Duncan	Kingston	Rangel
Dunn	Kirk	Regula
Edwards	Klecza	Rehberg
Ehlers	Knollenberg	Reyes
Ehrlich	Kolbe	Reynolds
Emerson	Kucinich	Riley
	LaFalce	Rivers
	LaHood	Rodriguez
	Lampson	Roemer
	Langevin	Rogers (KY)
	Lantos	Rogers (MI)

Rohrabacher	Skeen	Tiberi
Ros-Lehtinen	Skelton	Toomey
Ross	Slaughter	Towns
Rothman	Smith (MI)	Trafficant
Roukema	Smith (NJ)	Turner
Roybal-Allard	Smith (TX)	Udall (CO)
Royce	Smith (WA)	Udall (NM)
Rush	Snyder	Upton
Ryan (WI)	Solis	Velazquez
Ryun (KS)	Souder	Vitter
Sanchez	Spence	Walden
Sandlin	Spratt	Walsh
Sawyer	Stearns	Wamp
Saxton	Stenholm	Watkins
Scarborough	Strickland	Watts (OK)
Schaffer	Stump	Waxman
Schakowsky	Stupak	Weiner
Schiff	Sununu	Weldon (FL)
Schrock	Sweeney	Weldon (PA)
Scott	Tancredo	Weller
Sensenbrenner	Tanner	Wexler
Serrano	Tauscher	Whitfield
Sessions	Tauzin	Wicker
Shadegg	Taylor (MS)	Wilson
Shaw	Taylor (NC)	Wolf
Shays	Terry	Woolsey
Sherman	Thomas	Wu
Sherwood	Thompson (CA)	Wynn
Shimkus	Thompson (MS)	Young (AK)
Shows	Thornberry	Young (FL)
Simmons	Thune	
Simpson	Thurman	

#### NAYS—24

Conyers	Lee	Owens
DeFazio	Matsui	Sabo
Deusch	McDermott	Sanders
Filner	McGovern	Stark
Frank	Neal	Tierney
Hastings (FL)	Oberstar	Visclosky
Hilliard	Obey	Waters
Hinchey	Olver	Watt (NC)

#### NOT VOTING—3

Johnson (CT)	Moakley	Tiahrt
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Messrs. McDERMOTT, HASTINGS of Florida, NEAL of Massachusetts, DEUTSCH, TIERNEY, OLVER, MCGOVERN, and Ms. LEE changed their vote from “yea” to “nay.”

Mr. LARSON of Connecticut changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### THE JOURNAL

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval to the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 377, noes 47, answered “present” 1, not voting 6, as follows: